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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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MF  
09/476,776 12/30/99 SHIOMI

T SON-1688

EXAMINER

WM02/0720

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ART UNIT

PAPER NUMBER

2651

DATE MAILED:

07/20/01

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Advisory Action**

Application No.

09/476,776

Examiner

Kim-Kwok CHU

Applicant(s)

SHIOMI ET AL.

Art Unit

2651

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 June 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check only a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search. (see NOTE below);
- (b) ☐ they raise the issue of new matter. (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

4. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_
5. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☐ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: \_\_\_\_\_
- Claim(s) objected to: \_\_\_\_\_
- Claim(s) rejected: 1-20.
- Claim(s) withdrawn from consideration: \_\_\_\_\_
9. ☐ The proposed drawing correction filed on \_\_\_\_\_ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
11. ☐ Other: \_\_\_\_\_

Continuation of 6. does NOT place the application in condition for allowance because:

1. Refer to the original claim 1, the prior art '497 patent of Takizawa teaches every feature except a motor control circuit. Applicant's remark (page 4, last paragraph) disagrees that the Takizawa's motor inherently needs a control circuit. With respect to the requirement of a motor control circuit, it is well known and practiced that a motor control circuit is a necessary device to control a motor so that it will functions properly.
2. Furthermore, Applicant's remark on page 5, lines 3-5, states that a control circuit such as Takizawa's does not teach titling control. This is not the case in an optical head with tilting mechanism such as Takizawa. Takizawa's motor and its inherent motor control device in Fig. 6 and column 6, lines 15-20 perform tilting control ;
3. In claim 1, the amended feature "without a tilt sensor input" does not imply that a tilt sensing device is not needed. In other words, It just states that there is no tilt sensing input (terminal) directly connected to the motor control circuit 94 (refer to Fig. 15).  
According to Applicant's written description, for example, the tilting motor 56 in Fig. 15, is driven by a jitter measuring circuit 91 and a light detecting means to detect return time of the emitted laser beam. Accordingly, claim 1 with the amended feature do not overcome the prior art '497 patent because Takizawa teaches a tilting motor but does not disclose any sensor input to his inherent motor control circuit;
3. In response to the Office Action on whether Applicant's invention requires a light detecting/sensing means or not, Applicant argues that his laser beam is "used to detect and reproduce information ..... it can also be used to detect the inclination of the optical disk ..... allows the invention to eliminate a separate tilt sensor". Accordingly, a laser beam is a form of electromagnetic energy. it is not a detecting/sensing device. It cannot be used to detect the tilting of an optical disk.  
In other word, no matter how, Applicant needs some kind of detecting/sensing device to provide the tilting information of his optical disk. As such, although Applicant claims "without tilt sensor input" in claims 1 and 8, his titling motor is actually driven by the detected titling information;
4. Applicant notes that the Final Office action is not proper because there should not be a new ground of rejection. The Examiner maintains the Final Office action by using a new reference with the cited reference because claim 1 is amended with an additional feature "without a tilt sensor input". Although this amended feature already presented in the claim 8, however, this feature does not overcome the 102 rejection of Takizawa's '497 patent. The new reference combines with the original reference is to reject the claim 1 again based on Applicant's remark which emphasis that a tilt sensing means is not require; and
5. Applicant does not response to the rejection on the independent claim 13.



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Examiner: Kun Chen

7/18/01

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